

BiH DAYTON PROJECT



Republika Srpska's 22nd Report to the UN Security Council

November 9, 2019

On October 30, 2019, Republika Srpska submitted its [22nd Report to the UN Security Council](#). The report's introduction and executive summary are below.

Republika Srpska's 22nd Report to the UN Security Council

Introduction and Executive Summary

Republika Srpska (RS), a party to the treaties that make up the 1995 Dayton Peace Accords and one of the two Entities that make up Bosnia and Herzegovina (BiH), is pleased to submit this 22nd Report to the UN Security Council.

Part I of the report explains why the structure of BiH established in the BiH Constitution (Annex 4 of the 1995 Dayton Accords) must be respected by all parties and the international community. The Dayton Accords have been highly successful at bringing a durable peace to BiH, largely because the democratic constitutional system they established respects the rights of BiH's two Entities and three constituent peoples.

The Accords created a formula for stability and democratic governance in a country with deep ethnic divisions by incorporating the foundational international law principle of self-determination. The Dayton formula minimized political conflict by leaving most administrative competences to the Entities. When the Entities are left to exercise the autonomy granted to them under the Dayton Accords, they are fully capable of cooperating to advance reforms in a cooperative manner, as demonstrated by the recent adoption of coordinated socio-economic reforms by both the RS and the Federation of Bosnia and Herzegovina; however, years of misguided and unconstitutional centralization led by the international High Representative (HR) has undermined the Dayton formula. Threats to the Constitution's protections for BiH's constituent peoples undermine inter-ethnic trust and understanding, and the HR's unconstitutional centralization of security and intelligence matters has hurt BiH's security.

Unfortunately, some elements of the international community fail to appreciate the importance of the Dayton principles for BiH's future stability and success, and so they continue to undermine the Dayton system. The HR continues to claim dictatorial authority over BiH that conflicts with his strictly limited responsibilities laid out in Annex 10 of the Dayton Accords. In addition, over the years, the HR has used its claimed dictatorial authority to centralize BiH in violation of the Dayton system, causing unnecessary political strife and insecurity among the constituent peoples. HR Valentin Inzko's outlandish claim that it is illegal for the RS to submit reports to the Security Council, made following the submission of the RS's previous report to the Security Council, exemplifies the HR's disrespect for the Dayton formula. For all of these reasons, among others, the HR should close its doors.

In addition to threats from elements of the international community, the Dayton Accords face attacks from BiH's largest Bosniak party, the SDA. In September, the SDA adopted an extremist declaration calling for the complete abolition of the Dayton structure—including the Entities and the protections for constituent peoples—in favor of a unitary state. Earlier this year, the SDA also announced that it would ask the BiH Constitutional Court to declare the RS's name unconstitutional, an initiative aimed at undermining the constitutional status of the RS.

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The RS, in contrast to the SDA and the HR, unreservedly accepts the Dayton Accords and merely seeks the implementation of the BiH Constitution as written.

In Part II of this report, the RS emphasizes its progress and commitment to working toward BiH's eventual membership in the EU. The RS welcomed the Opinion of the European Commission (EC) on the application of BiH for EU membership, which it received in May, and it will continue working diligently toward BiH's EU accession. The RS has already made significant progress on EU integration, including by harmonizing regulations with the EU's *acquis* and implementing economic reforms and anti-corruption measures.

Unfortunately, BiH's progress toward EU membership is being impeded by the presence of an HR that claims dictatorial powers and the SDA's blockade on the formation of authorities. The RS has no doubt, however, that when impediments such as these are removed, BiH can meet the EU's membership criteria while adhering to the Dayton framework. The RS agrees with the EU that major reforms are necessary to BiH's courts and justice system, including the replacement of the foreign judges on the BiH Constitutional Court with BiH citizens.

Part III of the report calls for the international community to condemn the SDA's continued rejection of the Democratic process. Since BiH's October 2018 national elections, the SDA has been blocking formation of the BiH Council of Ministers and as well as the governments of the Federation and some of the Federation's cantons. As a pretext to block formation of the BiH Council of Ministers, the SDA set an impossible precondition—support for submitting an Annual National Program (ANP) to NATO, which is a key step toward membership. The SDA knows that this condition is unrealistic because the RS National Assembly has voted overwhelmingly for military neutrality. The RS is not anti-NATO and actively supports and engages in cooperation with the alliance, but it opposes BiH's membership. Contrary to the claims of some supporters of NATO membership, there is no legal requirement whatsoever for BiH's NATO integration, nor is there any connection between BiH's NATO status and its goal of EU membership.

BiH's federalized system, thankfully, has limited the detrimental impact of the blockade at the BiH level. In light of the BiH-level dysfunction exemplified by the SDA's blockade, it is natural for the Entities to reassess whether it is practical and desirable to continue giving consent for BiH to exercise competences not assigned to it by the BiH Constitution.

The RS is committed to the Dayton Accords and to working toward BiH's future as a member of the European Union (EU).

Read the full report [here](#).

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This website is a resource for journalists, scholars, and policy makers in search of accurate and timely information about Bosnia and Herzegovina, its governmental bodies, entities, and constituent peoples.

This website presents materials representing a variety of viewpoints with respect to Bosnia and Herzegovina. This material is distributed by McGinnis Lochridge on behalf of Republika Srpska. Additional information is available at the Department of Justice, Washington, DC..

The materials on this website do not necessarily reflect the opinions or policies of the Government of the Republika Srpska.

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